

## PROPOSED FINDINGS OF FACT

Submitted by:  
Vandenbrock Properties, LLC  
Gordon Motor Sports

**WHEREAS**, The Planning Commission Finds That the proposal conforms to KRS 100.213 because it is in agreement with Comprehensive Plan for Louisville and Jefferson County, Kentucky as detailed in these Findings of Fact; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 3 because the site lies within the Neighborhood Form District and is compliant therewith; because the proposed automobile dealership use is a low intensity use having little traffic, and is at a scale which is appropriate for nearby neighborhoods; because the proposal is not a neighborhood "center" even though located with frontage on South Hurstbourne Parkway, an arterial roadway; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 8 and 15 because alternative transportation modes are encouraged through the provision of sidewalks along the South Hurstbourne Parkway frontage; because the proposed use is an automobile dealership and Centers Guideline 2, Policy 2 recognizes "car dealerships" as businesses which do "not fit well into a compact center" and are appropriate being located outside a designated activity center; because due to its successful unique business model, this dealership will not cause significant volumes of traffic to and from the site; and because the number of parking spaces on site [a total of nine (9), with two (2) of the nine set aside for the residential unit, and the remaining seven (7) being available for customer and employee parking is appropriate; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 5, 6, 7, 8, 9, 21, 22, 23, 24 and 28 because the proposed dealership has its frontage on South Hurstbourne Parkway with a residential living unit facing the homes along Clarmar Road to the rear; because the proposed building materials will be appropriate for this site; because the proposal will not be a source of odor, air quality emissions, excessive traffic, noise, lighting or visual impacts; because the proposal will conform to all lighting requirements of the Land Development Code; because adequate buffering will be provided all around the site and setbacks will be observed except for one variance has been granted; and because signs will be located and sized pursuant to Land Development Code restrictions; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 5.1, 5.2 and 5.6 and Social and Cultural

Because the business is based primarily on telephone and internet contact with prospective purchasers, the minimum parking requirements of Table 9.1.2D should not apply. An automobile dealership must have adequate display spaces on-site, which are proposed. The site plan shows that the Applicant has provided as many parking spaces as possible on the site, and no other spaces are available on other property under the same ownership or via joint use provisions.

**D. The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.**

Considering the size and dimensions of the lot and the need for an automobile dealership to have display spaces, the requested waiver is the smallest possible reduction of parking spaces that will accommodate the proposed use. Providing seven (7) business parking spaces will be sufficient at all times during business hours.

**E. Adjacent or nearby properties will not be adversely affected by the parking waiver.**

Adjacent or nearby properties will not be adversely affected by the parking waiver because, based on historical use, there will be no time when adequate parking facilities are not provided.

**F. The requirements in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use.**

Table 9.1.2 does not accurately depict the parking needs of the proposed use because the Table does not reflect an automobile dealership at which most customers interact with the dealer on the telephone or via internet, which means the customer is not required to, and does not, travel to the dealer for any aspect of the transaction. Therefore, a dramatically reduced parking requirement should be afforded this use.

**G. There is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.**

There is no surplus of on-street parking or public space in the area that can accommodate the generated parking demand; hence, this requirement does not apply.

**H. PARKING STUDY. For the reasons stated above in this Request, the present Gordon Motor Sports operation at 9801 Bardstown Road does not have any on-site customer parking because very little, if any, customer parking is ever necessary. Hence, there are no comparable situations on which to perform a parking study.**

Resources Goal D1 and Objective D1.1 because there are no steep or severe slopes on site; because on-site soils drain well and are highly permeable; and because no soils on-site are classified as wet soils; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 10, 13 and 16 because the Louisville Department of Public Works has approved the proposal indicating, among other things, that the development provides adequate access for motorists and pedestrians, to, from and through the development; because there is no transit service on this section of Hurstbourne Parkway; because adequate parking is provided for even with the grant of the parking waiver; and because cross access is not provided and would not be appropriate due to the lower intensity zoning classification of surrounding properties on Hurstbourne Parkway; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies adopted thereunder, including Policies 1, 3 and 4 because sidewalks are proposed along the South Hurstbourne Parkway frontage and internal to the site; because bicycle storage facilities will be located within the building and because South Hurstbourne Parkway is not a transit route; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 7, 10 and 11; because the development of the site will minimize the potential for the impacts of flooding, and effectively manages stormwater runoff; because there is no impact to the regulatory floodplain because all structures will be located above the floodplain; because no buildings are proposed to be located within the 100-year FEMA regulatory floodplain; because the Metropolitan Sewer District ("MSD") has approved the development plan and all construction plans will be reviewed and approved by MSD prior to construction; because detention facilities (on-site detention basin) will adequately accommodate stormwater from the site, based on a fully developed watershed; because the on-site drainage system will likewise accommodate the "through" drainage system of water flows on-site and off-site; and because peak stormwater runoff rates post-development will not exceed pre-development rates; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 1, 2, 6 and 8 because the Louisville Air Pollution Control District has approved the proposal which indicates, among other things, that the proposal conforms to Air Quality Guideline 12 and related Policies; and

**WHEREAS,** The Planning Commission Further Finds That the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5 and 6 because landscaping will be provided as shown on the development plan; because native plant species will be installed; because planting

and buffering plans, wherever required, will be implemented; and because an adequate tree canopy will be provided for the Subject Site; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 14.7 because the proposal has adequate service for all necessary utilities; because a common utility corridor exists in the development that includes gas, electric, water, telephone, cable and telecommunications; because an adequate water supply for domestic and fire-fighting purposes will serve the site; and because utilities will be located underground and will be situated where recommended by each utility for appropriate maintenance and repair access; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9 because adequate fire fighting services will be provided by the Jeffersontown Fire Protection District; and

**WHEREAS**, The Planning Commission Further Finds That the proposal conforms to all other applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan; and

**WHEREAS**, The Planning Commission Further Finds That all necessary utilities, including gas, electric, water, telephone, cable and telecommunications, either presently exist on-site or will be constructed and all essential public services, including sidewalks, will be constructed to serve the site; and

**WHEREAS**, The Planning Commission Further Finds That implementation of proposed uses is anticipated to begin within twelve (12) months of final approval.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION DOES HEREBY RECOMMEND THAT THE PROPOSED CHANGE OF ZONE FROM R-4 TO C-2 BE APPROVED.**